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July 6, 2010

Commissioner for Patents
Attention: Certificates of Correction Branch
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:

July 6, 2010
Date

Steven L. Highlander

RE: *Request for Certificate of Correction*
Patent No. 6,989,265 Dated: January 24, 2006
Application No. 10/057,582 Confirmation No.: 5379
Entitled: "BACTERIA WITH REDUCED GENOME" – Frederick R. BLATTNER et al.
Our Ref.: WARF:017US

Commissioner:

Attached is form PTO-1050. An error of a minor nature is thereon corrected. The error is due to the Patent Office's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). A Certificate of Correction is requested under 35 U.S.C. § 254.

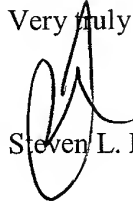
In view of *Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010), Patentees request correction of the patent term adjustment under 35 U.S.C. 154(b) from 283 days to 565 days. Pursuant to 37 C.F.R. § 1.703(b), Patentees are entitled to a period of patent term adjustment due to failure of the Office to issue a patent within three years after the filing date, *i.e.* January 23, 2005. Since the Patent Office failed to issue the above-identified patent until January 24, 2006, Patentees are entitled to a period of patent term adjustment beginning on the day after the date that is 3 years after the filing date of the application, *i.e.* January 24, 2005, and ending on the date a patent is issued, *i.e.*, January 24, 2006. Accordingly, the period of patent term adjustment due to this delay is 366 days. This period of delay was not included in the total patent term adjustment determination.

The 366 day period of delay overlaps with an 84 day period of delay for failure by the Office to issue the above identified patent within four months after the date the issue fee was paid. Therefore, the listed 283 days of patent term adjustment should be increased by 282 days (366 days – 84 days) resulting in a total of 565 days.

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It is believed that no fees under 37 C.F.R. §§ 1.16 to 1.21 are occasioned by the filing of this paper; however, should the Commissioner determine otherwise, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/WARF:017US.

Very truly yours,

A handwritten signature in black ink, appearing to be 'SLH', written over the printed name.

Steven L. Highlander

SLH/jst
Attachment

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,989,265
DATED : January 24, 2006
INVENTOR(S) : Frederick R. BLATTNER et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 283 days.

Delete the phrase "by 283 days" and insert --by 565 days--.

MAILING ADDRESS OF SENDER:
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PATENT NO. 6,989,265
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